

EXHIBIT A

7/25/23, 2:47 PM

IBHE PI - Program Inventory (By Institution)

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By Program

By Institution

Search by Program [Filters]

Select Sector:

Select Institution:

Select Program Status:

-- Select Sector --

University of the Potomac

Active

Reset

Export

Information Log

Results

The plus and minus icons are used to expand and collapse the list of programs available at the institution.

FICE ↑	Institution Name ↑	City ↑	ZIP ↑	County ↑	Sector ↑	Region # ↑	Region Name ↑
P00403	University of the Potomac	Chicago			PRIVATE BUSINESS AND VOCATIONAL SCHOOLS (PBVS), FP	0	Unknown or N/A

FICE	CIP	Level	Degree	Program Name	Region #	Region Name	Status
P00403	00.0000	00	Non-degree Program of Study	English Language Bridge	0	Unknown or N/A	Active
P00403	00.0000	00	Non-degree Program of Study	English Language Introductory	0	Unknown or N/A	Active
P00403	00.0000	00	Non-degree Program of Study	English Language Test Preparation	0	Unknown or N/A	Active
P00403	00.0000	00	Non-degree Program of Study	Medical Assisting	0	Unknown or N/A	Active

** Data extracted from the Inventory databases as of today @ 5:00AM

IBHE Units

Degree Granting

PBVS

Fiscal Affairs

Grants Administration

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[IBHE Bulletin](#)
[IBHE Data Points](#)
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[P-20 Education Pipeline](#)
[Transitional Math \(TM\)](#)

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IBHE PI - Program Inventory (By Institution)



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1 North Old State Capitol Plaza,
Suite 333
Springfield, Illinois 62701-1377

Phone: (217) 782-2551

Fax: (217) 782-8548

TTY: (888) 261-2881

For transcript information: transcripts@ibhe.org

For general information: info@ibhe.org

Employment Opportunities

For technical problems, ADA website accessibility issues, and requesting
accessible services, contact webmaster@ibhe.org
or call the IBHE: (217) 782-2551; TTY: (888) 261-2881

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EXHIBIT B

From: Kelm, David <kelm@ibhe.org>
Sent: Wednesday, January 17, 2024 5:42:30 PM
To: Jessica Dagner <jdagner@edcombs.com>; FOIA <FOIA@ibhe.org>
Cc: Dan Edelman <dedelman@edcombs.com>; Ethan Wilmes <ewilmes@edcombs.com>
Subject: RE: Freedom of Information request

Good evening:

Thank you for your recent FOIA request and your patience as we compiled the responsive documents. I have attached the documents in one pdf and then four spreadsheets as my adobe has decided to refuse to convert this evening.

It should be noted that IBHE does not accredit institutions. Additionally, the University of the Potomac was not provided authority to grant degrees.

Please let me know if I can answer any questions or be of further assistance.

Sincerely,

David A. Kelm
General Counsel
Illinois Board of Higher Education
1 N Old State Capitol Plaza, Suite 333
Springfield, IL 62701
Ph: 217-866-1428

CONFIDENTIALITY NOTICE: Pursuant to the Illinois Freedom of Information Act, written communication to or from IBHE employees regarding Board business may be subject to public disclosure. This communication is intended for the sole use of the person(s) to whom it is addressed and may contain information that is privileged, confidential and/or otherwise exempt from disclosure. Do not forward, disseminate or copy this communication without prior approval. If you have received this communication in error, please notify the IBHE Office of General Counsel.

EXHIBIT C

From: Bree, Chasity
To: andrea.ford@potomac.edu
Subject: program change request denial
Date: Monday, September 21, 2020 2:52:33 PM

Hello, Ms. Ford.

Your program change request was denied because University of Potomac does not have approval to operate as a degree granting institution. If this was submitted in error and you were meaning to contact PBVS, please reach out to the Private Business and Vocational Schools Unit.

Sincerely,
Chasity

Chasity Bree
Assistant Director for Academic Affairs
Illinois Board of Higher Education
1 N. Old State Capitol Plaza
Suite 333
Springfield, IL 62701-1377
TEAMS Phone Numer: 217-866-1435
Phone: 217-557-7355
Fax: 217-782-8548
Email: bree@ibhe.org
Web: www.ibhe.org

All In for Illinois
#allinillinois

EXHIBIT D



August 14, 2019

Illinois Board of Higher Education

Re: Application #: 19018A1
Institution: The University of the Potomac
Type: Operating Authority
Region: Chicago
NOI: 2757

Please find below University of the Potomac's required responses to technical questions Part II.

Projected Annual Headcount & Degree Awards chart: The submitted chart is incomplete. The Notice of Intent indicates that the institution intends to offer Masters, Bachelors, and Associate degree programs however this is not reflected at all in the submitted chart. The only program listed on the chart, ESL, is not a degree program and falls under the PBVS Division approval. Corrected chart shall list all degree programs and all non-degree programs shall be removed before resubmitting.

1. Resubmitted form is still incomplete. Instead of listing each degree program, the type of degrees (master's, bachelor's, associates, certificates), the University of Potomac provided lumped projected enrollment and degrees earned numbers for each category. Also, projected numbers were required for five years and only three years were provided. No grand totals were also provided.

UOTP Response: The initial NOI was submitted with the expectations that UOTP would eventually offer the existing programs currently offered at the Washington, DC, Virginia, and Online locations. This is the reason the certificates and other degrees were listed on the original NOI. UOTP had no reason to believe that the asset purchase agreement process would bring as many challenges. The objective was to ensure that four hundred students were not forced out of the country due to an abrupt closure by BIR Training by moving as swiftly as possible to obtain a license with IBHE to at minimum continue offering the programs these students were already participating in which is the English as a Second Language and Medical Assisting. This objective was achieved. The next step after achieving PBVS approval was Operating Authority. UOTP submitted the application with the objective of obtaining Operating Authority while conducting the required area analysis and assessments in the state of IL to determine the need for various programs.

Projected Schedule of Course Offerings chart: A completed chart was not submitted. This chart must include all required courses for all degree programs the institution intends to offer in Illinois.



2. Several course offerings charts were submitted for a number of bachelors (10 programs) and masters (8 programs) degrees. However, there was nothing submitted for associates degrees and certificate programs yet both of these categories were listed on the Projected Annual Headcount & Degree Awards Chart. Please explain.

UOTP Response: The intention of UOTP is not to offer Certificate or Associate degrees in IL other than ESL and MA already been offered under the PBVS.

Facilities chart: The submitted chart was incomplete. All information regarding Building Description must be submitted and accurate. The institution must have already secured a physical location (e.g. verifiable address) in order for an application to be reviewed / considered for approval.

3. For both locations, there is a difference between existing space for classrooms & labs both in terms of square footage and number of rooms vs. planned spaces. How are they going to achieve this if there is no additional space available at the proposed location? Need a completed form along with a detailed explanation of plan and timetable for facility expansion.

UOTP Response: The University has since closed the Devon location. The Wabash location was already in existence and currently housing all students. The objective with the Devon location was to ensure ample time for all students to transition to the Wabash location. Keeping both locations was not a sound financial decision based on the pace that the school was losing money. All location information and a signed copy of the executed lease provided to IBHE. Once the growth pattern projects outgrowing current space, UOTP will work with IBHE and find a larger facility as there is ample rental space in Chicago.

4. Please explain why there is nothing budgeted for full-time faculty.

UOTP Response: UOTP employs adjunct professionals working and specializing in their field. Courses are offered at multiple times during the day seven days a week.

5. Facility costs: Does this cover both buildings (see note above under facilities chart)? Please provide a copy of the lease agreements since there is no adjustment for annual increases.

UOTP Response: The Wabash campus lease has been provided to IBHE. The lease reflects no annual increase.

6. Please explain why there is nothing budgeted for student services, equipment, and instructional materials



UOTP Response: The expenses for Student Services, equipment, and Instructional materials are counted toward the corporate budget not each individual location .

7. The application requires submission of faculty resumes for all identified faculty members. Only a list of names for the identified faculty was provided. Additionally, please make sure your answer includes all of the information required (note: this question was copied directly from Part V of the Operating Authority Application and included directly below again for your reference).

UOTP Response: Page 5 of Part 5 on the application was submitted and included all required information. Resumes attached

8. According to the University of the Potomac's audit, the operations are not cash flow positive and have only been cash flow positive with the influx of the financing from the Membership Contributions. Please explain.

UOTP Response: UOTP has grown from 189 students end of 2017 to over 600 students attending the DC/VA/Online locations. This growth was due to extended efforts in the areas of marketing and business development. The University is continuing on the path obtaining a positive EBITDA by the end 2019.

9. Please provide information on what the yearly guarantee for the Membership Contributions will be for the next two years.

UOTP Response: The University's expectation is that there will not be a need for Membership Contributions for the next two years. UOTP's growth rate is proving the ability to self-sustain.

10. Additionally, the operations have experienced a negative cash flow for the past two years (2016 and 2017), please explain what efforts the institution has taken to address this.

UOTP Response: UOTP has grown from 189 students end of 2017 to over 600 students attending the DC/VA/Online locations. This growth was due to extended efforts in the areas of marketing and business development. The University is continuing on the path obtaining a positive EBITDA by the end 2019.

According to the Department of Education, the University of Potomac will be responsible for the liabilities owed by BIR if the University of the Potomac plans to offer Title IV eligible degree programs at the former BIR location (regardless of the contractual clause in the purchase agreement).



11. The Operating Authority application suggests that several degree programs will be sought. If Title IV funds will be sought for those programs, below is the relevant federal code related to adding an additional location is 34 C.F.R. § 600.32. Please explain the institution's plans to address the financial liabilities as a result of the acquisition of BIR and as required by the U.S. Department of Education.

UOTP Response: There are no plans to offer Title IV funding at the Chicago location until the required timeframe set by they Dept of Education is met.

12. Furthermore, please explain the institution's plans for mitigating the ways in which this outstanding liability may affect the institution's 1.6 Financial Composite Score:

UOTP Response: UOTP is not acquiring any of the outstanding Title IV debt from BIR. Therefore the liability will not affect UOTP's Composite score.

13. The University of the Potomac is on Heightened Cash Monitoring 1 as of 3-1-2019 for severe audit finding. Please explain the institution's plans for resolving these audit findings. The submitted audited financial statement is for 2016 & 2017. It was released on June 27, 2018. Please provide an updated audit with current balance sheets, statement of cash flows, etc.

UOTP Response: The University has since adjusted the contract with the servicer to provide completion of the R2T4 process. This will provide a higher level of review and continued accountability throughout the R2T4 process. The University has hired additional staff to ensure timely completion of LDA/Exit updating. UOTP is expecting a release of the HCM1 status as the required quarterly monitoring was adhered to without issues or further concern.

14. Please provide an update on what programs will be requested and a timeline for the submission of those applications. As today, no degree authority NOI's have been submitted and/or paid for at this time.

UOTP Response: The initial NOI was submitted with the expectations that UOTP would eventually offer the existing programs currently offered at the Washington, DC, Virginia, and Online locations. This is the reason the certificates and other degrees were listed on the original NOI. UOTP had no reason to believe that the asset purchase agreement process would bring as many challenges. The objective was to ensure that four hundred students were not forced out of the country due to an abrupt closure by BIR Training by moving as swiftly as possible to obtain a license with IBHE to at minimum continue offering the programs these students were already participating in which is the English as a Second Language and Medical Assisting. This objective was achieved. The next step after achieving PBVS approval was Operating Authority. UOTP submitted the application with the objective of obtaining Operating Authority while conducting the required area analysis and assessments in the state of IL to determine the need for various programs.



15. As explained by IBHE staff, the average time for review and final recommendation to the Board is 6-9 months. Please justify why President Rick Murphree's stated concern at the April 22, 2019 site visit about losing a million dollars in Chicago while waiting for approval of degree programs and that the University of Potomac Board could vote to close the doors imminently due to this financial strain is not indicative of a major financial stability concern for the Illinois Board of Higher Education. The relevant code for your reference is 23 *Illinois Administrative Code 1030.30 (a)(11) The institution should be financially stable and capable of assuring the revenues needed for meeting stated objectives and fulfilling commitments to students.*

UOTP Response: The conversation had between IBHE and Dr. Murhree was a hypothetical discussion that has no bearing on the completion of the Operating Authority application submission.

16. Additionally given this heightened concern about the timeline, so far no degree-granting NOI's have been submitted to IBHE. Please provide your timeline for this step.

UOTP Response: UOTP provided an explanation as part of the answer for #'s 1 and 14.

The three-year student default rates averages for the University of the Potomac raises serious concerns; therefore, please answer the following questions:

17. Address the default rates and the concerns that it raises, including information about the institution's plans and actions to improve students' understanding of the loan process and their loan obligations. Provide information about the results of these efforts.

UOTP Response: UOTP has displayed improvement in the area of Default prevention. Since December of 2016, UOTP has utilized services of Inceptia. Inceptia is a Dept of Education approved servicer. Attached is a report from the Inceptia site that identifies the positive trends that will reflect in the next Dept of Ed CDR report. UOTP identified the need to seek additional resources too ensure positive progression. UOTP follows the Entrance/Exit counseling required per the Dept of Ed as well as ensuring Financial Literacy workshops are offered to our students.

18. Please discuss the current staffing structure for the financial aid office and how the projected increase of students will be accommodated.

UOTP Response: UOTP added a full time staff member that focuses on Financial Literacy. UOTP plans to increase staff in the FA office when FA reaches more than 25% of UOTP revenue.



19. According to the National Center for Education Statistics' College Navigator, the two current University of the Potomac campuses have less than 275 degree-seeking students in total. As it is described in the application, a similar campus model will be in place for the student body. Please explain how the university plans to scale the campus to accommodate the projected enrollments in Chicago Year 1 – 700 students; Year 2 – 1012 students; and Year 3 – 1201 students. Please discuss the faculty/student ratio, support personnel and services, number of full-time faculty, library, and physical space. The relevant code is listed below (23 Illinois Administrative Code 1030.30 (a)(4-6))

UOTP Response: The report provided represents previous years. The current student enrollment at the DC and VA campuses total more than 600. For the IL location, the campus currently services 367 students with capability to accommodate 400 plus students at one time. Utilizing the campuses every day supports accommodating the growth.

EXHIBIT E

Homeland Security Investigations

U.S. Department of Homeland Security
Potomac Center North
500 12th Street, SW MS-5600
Washington, DC 20536-5600



U.S. Immigration
and Customs
Enforcement

School Code: WAS214F01287000
Date: February 10, 2022

Omega Sharlete Barrow
University of the Potomac
1401 H Street NW, Suite 100
Washington, DC 20005
omega.barrow@potomac.edu

**Student and Exchange Visitor Program
Notice of Intent to Withdraw**

Notice

This Notice concerns your school's Student and Exchange Visitor Program (SEVP) certification. Compliance concerns have been identified during a review of University of the Potomac's (UOTP) Form I-17 update petition that may result in the withdrawal of your school's certification and bar any further enrollment or education of nonimmigrant students.

The compliance issues identified include: (1) failure to maintain accreditation or licensing necessary to qualify graduates as represented on the school's Form I-17; (2) issuing Forms I-20 to and enrolling students at multiple unapproved locations in Chicago, Illinois; and (3) conduct on the part of a DSO that does not comply with the regulations, specifically providing incorrect information to SEVP relating to the enrollment of nonimmigrant students at unapproved locations.

UOTP has 30 days to respond to this Notice. The response must include any sworn statements, documents, or other evidence on which the school relies to rebut the alleged grounds for withdrawal. This Notice is not a means to submit information or evidence that should have been previously provided as a part of established reporting requirements. Rather, it provides an opportunity for your school to demonstrate compliance with all lawful requirements and overcome the alleged deficiencies. Failure to respond to this notice within the time allotted will result in the withdrawal of your school's certification and will bar an appeal of that decision in accordance with *Title 8 Code of Federal Regulations (8 CFR) §§ 214.4(a)(2) and (d)*.

University of the Potomac
WAS214F01287000

Procedural and Factual Summary

All SEVP-certified schools are required to report any changes to its Form I-17, including changes of location, within 21 days of the changes. 8 CFR §§ 214.3(g)(2)(i) and (h)(3)(i)(Q). Schools are required to submit changes through the Student and Exchange Visitor Information System (SEVIS). Once submitted SEVP reviews and adjudicates the updated information. In addition to adjudicating the update(s), SEVP reviews the school's continued eligibility for certification and its compliance with federal regulations. 8 CFR § 214.3(h)(3)(iii). Upon adjudication, SEVP notifies the school of the approved or denied updates via SEVIS. The school's certification is valid only for the programs, including the locations at which they are offered, specified by SEVP in approval of Form I-17 updates. 8 CFR §§ 214.3(e)(2) and (f)(1).

As part of the initial SEVP certification process, each school must appoint a Principal Designated School Official (PDSO) and may appoint additional DSOs to carry out its record-keeping, reporting, and other SEVP-related responsibilities and to ensure the school's compliance with federal regulations. The PDSO and DSOs share many of the same responsibilities, including the issuance of the Form I-20, *Certificate of Eligibility for Nonimmigrant Student Status*, to nonimmigrant students. By recording and maintaining records in SEVIS, these officials serve as the link between nonimmigrant students and SEVP and play a critical role in ensuring that nonimmigrant students maintain lawful status while in the United States. Each PDSO and DSO must certify that he or she is familiar with the federal regulations governing nonimmigrant students and affirm his or her intent to comply with the regulations. 8 CFR § 214.3(l)(3).

UOTP is approved by SEVP to enroll nonimmigrant students in an Associate of Science, Bachelor of Science/Scientiae Baccalaureus and Master of Business Administration programs of study under section 101(a)(15)(F)(i) of the Immigration and Nationality Act. UOTP is approved to offer instruction to nonimmigrant students at its locations at 1401 H Street NW, Washington, DC 20005 and 2070 Chain Bridge Rd., Vienna, VA 22182-2431.

On May 21, 2018, UOTP submitted an update to its Form I-17 petition in SEVIS to add several programs of study including additional bachelor's and master's degrees, diploma programs and an English Language Training (ESL) program. On June 11, 2018, the school notified SEVP that they would also like to petition for certification of additional campuses located at 828 S. Wabash Ave, Chicago, IL 60605 and 3601 W. Devon Ave, Chicago, IL 60659. In referencing these new locations, the school stated, "*F-1 Operations have not started*" (emphasis added) at either the 828 S. Wabash Ave. or 3601 W. Devon Ave. locations in Chicago. The school added these locations to their pending Form I-17 petition update in SEVIS on August 26, 2019. As of the date of this notice, the Chicago locations are not approved by SEVP for the enrollment or attendance of nonimmigrant students.

As part of the review for this petition update, SEVP reviewed UOTP's student SEVIS records and identified nonimmigrant students for whom the school reported enrollment at their locations in the District of Columbia (D.C.) and Virginia while also reporting their US addresses in Illinois, raising questions regarding the feasibility of student attendance at the approved locations. Subsequently, in a Request for Evidence (RFE) sent to UOTP on August 21, 2019, SEVP requested that the

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school “explain how students residing in other States are able to attend full-time classes at your school.” UOTP’s August 26, 2019, response stated, “University of the Potomac has students who are enrolled in our programs who live long distance. [sic].” The school’s response also states, “at least 98% of UOTP’s F-1 student’s [sic] who live long distance carpool and the others utilize the bus system such as greyhound, mega bus, etc...[sic]”

While the school’s petition update to add its two Chicago locations was under review, as part of routine vetting of evidence, SEVP was in communication with the Illinois Board of Higher Education (IBHE), which at the time was evaluating the school’s application for annual renewal to operate in the State and made inquiries to SEVP regarding the eligibility of the UOTP locations in Chicago and the potential enrollment of nonimmigrant students at those locations. On April 1, 2020, IBHE requested from SEVP a list of UOTP’s nonimmigrant students where their US address listed the state of Illinois. SEVP complied with IBHE’s request and provided such a list on May 13, 2020. Subsequently, on October 6, 2020, SEVP requested that IBHE identified which of the students referenced in the May 13, 2020, list was reported by UOTP as enrolled at the school’s Chicago locations. On October 23, 2020, IBHE provided SEVP with a list of nonimmigrant students reported by UOTP as enrolled at its Chicago locations in 2019. *See Addendum A.*¹

The evidence and data collected by SEVP during its review of UOTP’s update petition indicates that the school may not have complied with the regulatory requirements and may no longer be eligible for SEVP certification as detailed below.

Compliance Issues

Issue 1: Failure to maintain accreditation or licensing necessary to qualify graduates as represented in the school's Form I-17.

UTOP failed to maintain accreditation of its ESL Programs, and therefore was not authorized to issue I-20’s for the enrollment of ESL students. In 2010, Congress enacted the Accreditation of English Language Training Programs Act, Public Law No. 111-306, 124 Stat. 3280 (2010), which requires all ESL programs to be accredited by an accrediting agency recognized by the U.S. Department of Education (ED) to enroll nonimmigrant students. Moreover, schools are only authorized to enroll nonimmigrant students in programs that are listed on their Form I-17 and only after SEVP has approved the school’s certification. 8 CFR § 214.3(e)(2).

In addition to the updates submitted in SEVIS on May 21, 2018, UOTP sent an email on June 11, 2018, requesting to add the two locations in Chicago, Illinois and stated that the institution will host F-1 students and teach all programs approved by SEVP. SEVP conducted a review of UOTP’s SEVIS records which showed nonimmigrant students residing in Chicago and enrolled in ESL. On August 21, 2019, SEVP sent a RFE for the following: (1) to clarify how students residing in other States are able to attend full-time classes at your school; (2) why nonimmigrant students are

¹ Addendum A includes each nonimmigrant student’s full name, city, state, zip code, and IBHE data, including program identification, enrollment date, relevant semester start and end dates and hours earned.

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enrolled in a full-time program of study (ESL) not certified by SEVP; (3) to provide proof of ESL accreditation by a U.S. Department of Education recognized Accrediting Agency; and (4) to provide detailed information of the ESL program.

On August 26, 2019, UOTP responded with (1) a statement explaining the “University of the Program has been approved for multiple updates and the institution’s ESL program has never been brought to the School’s attention as not being listed on the Form I-17”; (2) a copy of 2014 ESL Approval of Accreditation for campuses in Washington D.C. and Virginia; (3) a statement to indicate that English as Second Language Training in Chicago falls under Vocational Certificates; (4) statement explaining all programs to be offered in Chicago; (5) a statement confirming that University of the Potomac cannot and will not enroll students or issue Forms I-20 for programs not approved by SEVP and “98% of UOTP’S F-1 students who live long distances carpool and the others utilize the bus system such as greyhound, mega bus etc....” UOTP further explained that the school holds the highest accreditation in the U.S. and that their regional accreditation is Middle State Commission on Higher Education.

As SEVP is responsible to ensure compliance with the Accreditation Act, on September 8, 2020, SEVP sent a RFE instructing UOTP to stop issuing Forms I-20 to nonimmigrant students for ESL programs without SEVP approval and proof of ESL accreditation by a U.S. Department of Education recognized Accrediting Agency. Further, UOTP was instructed to transfer all ESL students to other SEVP-certified schools or, alternatively, to have the students depart the United States. UOTP did not provide ESL accreditation in their response to the RFE submitted on September 11, 2020. In addition, SEVP contacted the Middle States Commission on Higher Education to ensure that ESL is accredited. The Middle States Assistant Director for Institutional Support Services explained that, as of March 15, 2021, UOTP was not accredited by their agency to offer education in Chicago.

As required by the Accreditation Act, UOTP submitted evidence that did not specifically state that ESL was accredited to be offered in Chicago at the time of the review of their petition for continuing eligibility.

Federal regulation 8 *CFR* § 214.3(b) requires schools to submit proof of certification by the appropriate licensing, approving, or accrediting official who shall certify that he or she is authorized to do so to the effect that it is licensed, approved, or accredited. At the time of filing, on May 21, 2018, UOTP was unable to provide evidence of ESL accreditation by a U.S. Department of Education recognized Accrediting Agency or by Middle States Commission on Higher Education to be offered in Chicago. UOTP failed to maintain ESL accreditation necessary to qualify graduates as represented in the school's Form I-17. Therefore, UOTP may be in violation with the Accreditation Act which requires all ESL programs to be accredited by a U.S. Department of Education recognized Accrediting Agency in order to enroll nonimmigrant students.

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Issue 2: UOTP issued Forms I-20 and enrolled nonimmigrant students at campuses not approved by SEVP.

The administrative record contains evidence that UOTP enrolled nonimmigrant students at two locations prior to receiving SEVP approval: 828 S. Wabash Ave., Chicago, IL 60605 and 3601 W. Devon Ave., Chicago IL 60659. Federal regulations require schools to set forth on the Form I-17 petition any physical location at which a nonimmigrant may attend classes through the school. *See 8 CFR § 214.3(a)(1)*, which explains that a petition for recertification, “*must identify by name and address each location of the school that is included in the petition for certification or recertification, specifically including any physical location in which a nonimmigrant can attend classes through the school (i.e., campus, extension campuses, satellite campuses, etc.)*”. Any modification to a school’s information upon approval of a petition for SEVP certification or recertification, including physical locations, requires SEVP adjudication of the institution’s continued eligibility for certification. *8 CFR § 214.3 (f)(1), and (h)(3)*. Approval of a new location by SEVP is required before a school can initiate classes there.

Recertification of a school may be denied by SEVP for “*failure of a DSO to notify SEVP of material changes, such as changes to the school’s name, address, or curricular changes that represent material change to the scope of institution offerings...*” *8 CFR § 214.4(a)(2)(xix)*. Changes of school location are a material change and evidence in the record shows that UOTP began enrolling students at new locations prior to receiving SEVP approval.

UOTP is currently SEVP-certified to instruct nonimmigrant students at two locations: 1401 H Street NW, Washington, DC 20005 and 2070 Chain Bridge Rd. #G100, Vienna, VA 22182². UOTP has not received approval from SEVP to conduct instruction at the two locations in Chicago: 828 S. Wabash Ave. and 3601 W. Devon Ave. While the PDSO, Omega Barrow, stated in the August 26, 2019 response that students take the bus or carpool, UOTP has provided no evidence that the students actually attended classes at the SEVP-certified locations in Virginia and Washington, D.C. Additionally, these two campuses are approximately 700 Hundred miles from Chicago and the schedule for classes, which meet at least 2 - 3 times a week, make it improbable that the students were attending classes out of state during the years 2018 and 2019.

Evidence suggests that UOTP has enrolled nonimmigrant students at unapproved locations and in a program of study for which the school does not have the required SEVP approval. UOTP does not comply with regulations set forth by regulation *8 CFR § 214.4(a)(2)(xix)* & *8 CFR § 214.4(a)(2)(xvi)*.

² The 2070 Chain Bridge Rd. #G100, Vienna, VA 22182 location was updated on the Form I-17 to 7799 Leesburg Pike, STE 200S, Falls Church, VA 22043 in response to a Request for Evidence issued by SEVP on August 21, 2019. The change has not been approved by SEVP yet.

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Issue 3: Conduct on the part of a DSO that does not comply with federal regulations relating to the issuance of Forms I-20 to nonimmigrant students at unapproved campuses in Chicago.

A school's DSOs must provide statements certifying that they are familiar with and intend to comply with federal regulations relating to nonimmigrant students. *8 CFR § 214.3(l)(3)*. In signing this statement on the Form I-17, DSOs certify that all evidence submitted as part of the school's certification, including responses to a RFE, are true and correct. *8 CFR § 103.2(a)(2)*. Submission of false statements by a DSO in response to a RFE or a NOIW is conduct on the part of a DSO that does not comply with the regulations and is grounds for withdrawal of a school's SEVP certification. *8 CFR § 214.4(a)(2)(vi)*.

In this case, the evidence submitted to SEVP along with signed statements from PDSO Barrow appear to be inconsistent with information provided by IBHE to SEVP regarding enrollment and operations at UOTP's 828 S. Wabash, Chicago, IL location. UOTP notified SEVP in a RFE response on April 19, 2019, that "F-1 Operations have not started" at the 828 S. Wabash Ave. and 3601 W. Devon Ave. locations. This response was signed and submitted by PDSO Barrow. On August 26, 2019, PDSO Barrow also signed and submitted a statement regarding students living long distances from UOTP's approved Virginia and D.C. locations, saying, "University of the Potomac has students who are enrolled in our programs who live long distance, [sic]" and, "at least 98% of UOTP's F-1 student's [sic] who live long distance carpool and the others utilize the bus system such as greyhound, mega bus, etc....[sic]" However, data provided by IBHE to SEVP indicates that nonimmigrant student enrollment at the 828 S. Wabash Ave. and 3601 W. Devon Ave. locations is inconsistent with the PDSO's representation that 98% of students who live long distance from the Virginia and D.C. campuses commute to these locations by carpool or bus.. The PDSO's statement indicates they are either unfamiliar with or are disregarding the federal regulations relating to nonimmigrant students.

SEVP relies on certified schools and their DSOs to provide accurate information regarding enrolled students. It is alleged that statements made by the PDSO are inconsistent with evidence provided by IBHE regarding student enrollment at the school's two Chicago locations. This inconsistency indicates noncompliance with *8 CFR § 214.4(a)(2)(vi)* based on the conduct of a DSO not complying with federal regulations relating to the issuance of Forms I-20 to nonimmigrant students (attending classes) at unapproved campuses in Chicago and for unapproved programs of study, making UOTP's SEVP certification subject to withdrawal.

Conclusion

For the reasons discussed above, SEVP hereby notifies UOTP that it intends to withdraw the institution's certified petition unless UOTP submits sufficient evidence to demonstrate compliance with all lawful requirements and rebut the violations alleged above.

Action to be Taken

UOTP has 30 calendar days from the date of service of this Notice to submit written representations under oath and supported by documentary evidence to include student records, setting forth the

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reasons why SEVP should not withdraw UOTP's certification.

If UOTP wishes, at the time of filing the answer discussed immediately above, it may submit a written request for a telephonic interview with SEVP. UOTP also may be assisted by a legal counsel of its choice, at no expense to the Government. **Failure to respond to this Notice within the time allotted, or admission of the allegations contained herein, will result in the withdrawal of your school's certification. 8 CFR § 214.4(d).** If SEVP certification is withdrawn, UOTP will then no longer be approved to enroll or continue to educate nonimmigrant students.

At the time of filing its response, UOTP may request in writing (e-mailed requests are acceptable) a telephonic interview with SEVP. Please submit any such request in a separate document from the remainder of the response to ensure that the request is successfully captured.

Providing materially false, fictitious, or fraudulent information may subject you to criminal prosecution under *18 USC § 1001*. Other possible criminal and civil violations may be applicable.

This NOIW is issued based upon UOTP's approved Form I-17. If your institution has a Form I-17 update that does not affect the designation of UOTP's P/DSO(s) or a recertification petition that is pending adjudication in SEVIS, SEVP will not adjudicate the update or recertification petition until the resolution of this NOIW. Pending updates related to the addition, modification, or removal of P/DSO(s) will continue to be adjudicated as they are received.

All documentation must be submitted within the 30-calendar day deadline and at one time via upload in SEVIS. SEVP cannot accept any documentation from a third-party server such as Dropbox or Google Drive. All documents submitted to SEVP should be in a Portable Document Format (PDF) not exceeding 10 MB in size. Please do not send any documents via email. Please also note that changes may not be made to UOTP's petition after it is submitted to SEVP.

Please note that all evidence should be uploaded to SEVIS. If you have questions regarding logging into or using SEVIS, please contact the SEVP Response Center at 703-603-3400 or by email to sevp@ice.dhs.gov.

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Voluntary Withdrawal

According to 8 *CFR* § 214.3(h)(3)(vii), UOTP has the option to voluntarily withdraw its SEVP certification by submitting a letter on official school letterhead and signed by the president, owner, or head of school. There is no appeal of voluntary withdrawals, but UOTP may file a new petition for SEVP certification at any time. SEVP will provide assistance regarding how your school will need to inform and make provisions for its initial and active nonimmigrant students if it seeks to voluntarily withdraw its SEVP certification.

Sincerely,

A black rectangular redaction box covering the signature of Katherine H. Westerlund.

Katherine H. Westerlund
Chief, School Certification Unit
Student and Exchange Visitor Program

Prepared by: Adjudicator 281

EXHIBIT F

On Mon, May 13, 2019, 11:54 Khristyna Tymchuk <khristyna.tymchuk@potomac.edu> wrote:

Hello,

For the last year, University of the Potomac has been working through the approval process with the State of Illinois Department of Higher Education.

We are now accepting names from students who would like to enroll in one of our degree programs. You can find a list of all of our degree programs that we offer on our website, www.potomac.edu.

We wanted you to be the first to know and to take advantage of this great opportunity to advance your education and careers. We will also award scholarships – specifically designed for current and former BIR and UotP students. For undergrad students, the scholarship is up to \$25,000 and for graduate students up to \$11,000 toward the completion of the desired program.

If you would like to be added to our list of interests to start your degree program, please email iladmissions.chicago@potomac.edu or call 773-866-0111 by May 31st to receive your full scholarship.

For many of the past BIR students, you may have paid a deposit that was not reimbursed. University of the Potomac, out of goodwill, has decided that if in the database you are still showing “owed this deposit,” we will credit your tuition that amounts for your first semester as a degree-seeking student. Once you pay your first-semester tuition in full we will credit your account. You must respond by May 31st to be eligible for this offer.

We have appreciated your patience with us through this process.

Sincerely,

Khristyna Tymchuk

Student Services Coordinator

Ph: 773.866.0111 ext.509

Khristyna.Tymchuk@potomac.edu

UNIVERSITY OF THE POTOMAC

828 S. Wabash Ave., Chicago, IL 60605

3601 W. Devon Ave., Chicago, IL 60659

On Tue, Jun 4, 2019, 12:50 'Rosanna DePinto' via Illinois Students Group

<ilstudents@student.potomac.edu> wrote:

Good Afternoon!

Hope you all are enjoying your day!

You have been receiving emails from me regarding our degree programs. I have been speaking to a number of you separately. I understand from those conversations that you may be encountering some difficulties with gathering money for tuition. I am coming to you with an extremely exciting solution. University of the Potomac will offer you a tuition reduction ONLY for the July 1 start (8 weeks) and only for current students. Your tuition for the first term will be **\$880** if paid by June 15th!!! This is for both Undergraduate and Graduate students! We will also honor the \$400 tuition credit to offset your deposit with BIR (once we confirm that you paid this amount and were not given that refund). Additionally, we will be extending your first payment to June 28th for those of you not taking advantage of the \$880. For your first semester we will allow you to make monthly tuition payments to assist in getting you on a plan. We are working toward a very new and exciting chapter!!! Please contact your admissions team at iladmissions.chicago@potomac.edu.

Thank you!

Rosanna

Rosanna DePinto

Campus Director

UNIVERSITY OF THE POTOMAC

p: 773-866-0111 x17

e: rosanna.depinto@potomac.edu

w: www.potomac.edu